UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JENNIFER THERESE MOTT
      Plaintiff,

    v.   **Case No. 12-C-0722**

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration
                    Defendant.

ORDER

On January 30, 2013, pursuant to the parties' joint motion under 42 U.S.C. § 405(g), sentence four, I remanded this matter for further proceedings. Plaintiff now moves for an award of attorneys' fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The Commissioner does not oppose the request.

On timely application, the EAJA provides for attorney's fees to a "prevailing party" in a civil action against the United States where the government's position was not "substantially justified" and no "special circumstances" would make an award unjust. 28 U.S.C. § 2412(d)(1). Because I remanded this matter pursuant to § 405(g), sentence four, and entered judgment in her favor, plaintiff is a prevailing party, see Shalala v. Schaefer, 509 U.S. 292, 302 (1993); the motion is timely; and the Commissioner has not argued that the government's position was substantially justified or that special circumstances would make an award unjust. Therefore, plaintiff is entitled to an award. On review of plaintiff's motion and supporting materials, I find the amount of the request reasonable, both in terms of the number of hours and the rate requested.

THEREFORE, IT IS ORDERED that plaintiff's motion for an award of attorney's fees (R. 32) is **GRANTED** in the amount of $6332.07. These fees are awarded to plaintiff and not her attorney and can be offset to satisfy pre-existing debts that plaintiff owes the United States. See Astrue v. Ratliff, 130 S. Ct. 2521 (2010). If counsel for the parties verify that plaintiff owes no preexisting debt subject to offset, defendant shall direct that the award be made payable to plaintiff's attorney pursuant to the EAJA assignment signed by plaintiff and counsel.

Dated at Milwaukee, Wisconsin this 28th day of May, 2013.

/s Lynn Adelman

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LYNN ADELMAN
District Judge